

*Robert Staden Esq.*  
*for his own private perusal*

# LETTERS, &c.

Which have lately passed between

*Interdict B)*  
The BISHOP of LONDON, *K*

AND

The Rev. H. B. DUDLEY,

RESPECTING

THE ADVOWSON OF THE VACANT RECTORY

OF

BRADWELL NEAR THE SEA,

ESSEX.

---

LONDON:

PRINTED FOR T. LONGMAN, PATER-NOSTER-ROW;  
AND SOLD BY ALL THE BOOKSELLERS.

---

M,DCC,XCVIII.

---

[Price One Shilling.]

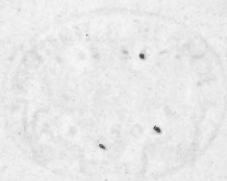
LETTERS &c.

THE BISHOP OF LONDON

TO THE BISHOP OF LONDON

THE BISHOP OF LONDON

THE BISHOP OF LONDON



BRIDGEMAN'S LIBRARY

1857

BRIDGEMAN'S LIBRARY

BRIDGEMAN'S LIBRARY

PRINTED FOR T. LONGMAN, PATENT PRINTER  
AND SOLD BY ALL THE BOOKSELLERS

BRIDGEMAN'S LIBRARY

BRIDGEMAN'S LIBRARY

[Price One Shilling]



---

*THE Publication of the following Correspondence, &c. is by no means intended to affect the question at issue between the parties. If it prevents the further circulation of injurious reports pending the investigation, its object will be fully answered. Out of this question, however, have arisen two points of more general concern ; and these, it is conceived, are open to a free discussion ; viz. " WHETHER a Bishop " can benefit himself by a claim of LAPSE, regardless of " those forms of Notification to the PATRON, which common usage has prescribed ? and " WHETHER he can proceed ex parte, to interfere in the administration of his own " Writs of SEQUESTRATION, or disavow his duties appertaining to them altogether, at his own discretion ?"—These are subjects not unworthy of serious enquiry. If such be a portion of the Episcopal authority, it ought, at least, to be explicitly declared ; if not, the usurpation of it cannot be too speedily exploded.*

---

---

---

ERRATUM.

Page 12, Line 17, for *last*, read *first* interview.

---

---

---

No. I.

*MINUTES of a CONVERSATION which passed  
between the BISHOP of LONDON and the Rev.  
H. B. DUDLEY, 29th December, 1797.*

MR. DUDLEY waited upon the BISHOP OF LONDON at *Fulham*, in consequence of an intimation he received the preceding day from Mr. BRAMSTON, who had called upon his Lordship, at his request, to solicit that he [the Bishop] would state to the Chancellor (in conformity to Lord LOUGHBOROUGH's desire), that he had no objection to Mr. DUDLEY vacating the Rectory of *North Fambridge*, in favour of Mr. BIRCH; and to which, Mr. BRAMSTON informed Mr. D. he received for answer from the Bishop, "that he had no objection, but wished to see him [Mr. D.] first."

On seeing the Bishop, Mr. DUDLEY stated the intimation he had received through Mr. BRAMSTON, when his Lordship wished to know on what grounds he [Mr. D.] desired to resign *North Fambridge*? "as Bishops," he said, "were not much inclined to countenance resignations."



—Mr. DUDLEY replied, “ Preparatory to my presentation to Bradwell near the Sea.”

BISHOP.—In what manner do you, Mr. Dudley, propose coming before me for Institution to Bradwell ?

ANSWER.—On the presentation of two surviving Trustees.

BP.—I have been informed, that there was something not perfectly regular in the purchase of this Advowson ; I wish to know whether it was not purchased on a stipulation of immediate resignation ?

Ans.—The purchase was made when the Living was full ; and the best proof that I can give of having no idea of a resignation is, that I never applied, during the course of seventeen years of Mr. Pawson’s subsequent incumbency, either to your Lordship, or your predecessor, for any resignation in my favour.

BP.—Then I was much misinformed ; for I have been told that a sum of money was returned to you by Mr. Pawson, because you could not procure the resignation.

Ans.—That report might probably arise, from Mr. Pawson, under an arbitration award from Chancery, being compelled to return a sum for having sold under a false rental, in which the Living was stated to be considerably more per annum than it actually was. But I am glad to have the opportunity of giving your Lordship an account of the whole transaction. I cannot charge my memory, at so distant a period, with every thing that passed at the different interviews preceding the purchase; but from the time the agreement for the Living was made in the presence of my Counsel, I will inform your Lordship of all the material circumstances: [which was here done].

Bp.—Then you held the Glebe and Tythes by a Lease?

Ans.—Yes, my Lord: and while I continued Curate, I thought myself warranted to do so by the statute.

Bp.—I should like to see the Lease?

Ans.—I shall readily lay before you any papers I have, unless my Solicitor should object to it; and in that case, I trust, your Lordship will excuse me.

BP.—By all means.—I cannot say, at present, whether this is illegal or not, because I have not my books here, nor access to that advice necessary to form a proper judgment on the case; but I think it may probably amount to an actual resignation, by taking the Living out of the hands of the Bishop?

Ans.—How so, my Lord? when you, or Bishop Lowth, who must both have long known my tenure, might have set it aside at any moment, by ordering Mr. Pawson to residence on Bradwell, or me to North Fambridge.

BP.—That was not very likely to have been complied with.

Ans.—I do not see how your Lordship's authority could have been questioned. However, it remains only for me to ask, whether you decide the transaction illegal, and on that account refuse me Institution?

BP.—No, certainly not.

Mr. D.—If you, and your predecessor, who had both my tenure of Bradwell under your cognizance for so many years, have not been able



yet to decide the transaction illegal, I trust, should I have even erred under respectable advice, that no corrupt motive can be imputed to me. You must allow me to say, my Lord, that I feel myself, on this occasion, rather as a marked man.

Bp.—Indeed, Mr. Dudley, very far from it. I beg you to be assured, that I mean nothing personal to you. Whatever steps I may take will be under legal advice, and in the discharge only of my official duty.

Ans.—I would not presume to say what should have been the duty of my Diocesan; but it appears to me rather singular, that a transaction which you now question as of so much importance, should have received a kind of tacit sanction from your Lordship so long, when, as I have already remarked, you had at all times the means of preventing its continuance.

Bp.—It did not come regularly before me.

Mr. D.—How would your Lordship advise me to proceed in this predicament?

BP.—I would recommend it to you to make a tender to me of your Presentation. I will candidly inform you, that, if I should object to your Institution, it will be on the ground of your occupation of the Glebe and Tythes, which I think may amount to a virtual resignation in your favour.

Mr. D.—When shall I wait upon your Lordship with the Presentation ?

BP.—Whenever you please. I am sorry to give you the trouble of coming again to Fulham ; but I shall not be at London House for some days.

*MINUTES of a SECOND CONVERSATION,  
which passed between the BISHOP OF LONDON,  
and the Rev. H. B. DUDLEY, 2d January,  
1798.*

**D**ELIVERED my Presentation,\*  
which his Lordship read over attentively. He  
said, it appeared very correct, and in due form :  
asked the names of the remaining Trustees, which  
I told him.

---

\* *PRESENTATION.*

“ To the Right Reverend Father in God BEILBY, by  
“ Divine permission, Lord Bishop of LONDON, or in his  
“ absence, to his Vicar General, in Spirituals, or to any  
“ other person having, or who shall have sufficient authority  
“ in this behalf. We THOMAS SKINNER, Esquire, and  
“ Alderman of London, and THOMAS HAMMERSLEY, of  
“ Pall Mall, in the County of Middlese, Banker, true and  
“ undoubted Patrons of the Rectory of the Parish Church of  
“ BRADWELL *juxta mare*, in the County of ESSEX, and  
“ in your Diocese of London, now vacant by the death of  
“ GEORGE PAWSON, Clerk, the last Incumbent thereof,  
“ *DO* present unto you, HENRY BATE DUDLEY, Clerk,  
“ humbly requesting that you will be pleased to admit the  
“ said HENRY BATE DUDLEY to the said Church, and



BISHOP.—I think, Mr. Dudley, I shall not discharge my duty, if I do not take the opinion of the Court on this case: it goes, as far as I can judge, to set aside Episcopal jurisdiction. If, on taking the legal advice I mean to have, I shall refuse you Institution, I beg you not to consider it as any thing personal towards you. My predecessor, Dr. Lowth, told me, that he meant to object to it; and you know, Mr. Dudley, that he was a Bishop of spirit, as his contest, and success, in the case of Mr. Fytche, in your County, proved.

---

“ to Institute, and cause, and execute all other things in this  
 “ behalf, which belong to your Episcopal Office.

“ In witness whereof, we have hereunto set our Hands  
 “ and Seals, the first day of January, in the Year of Our  
 “ Lord One Thousand Seven Hundred and Ninety-eight.

THOMAS SKINNER, (L.S.)

“ Sealed and delivered by the above-named  
 “ THOMAS SKINNER, in the presence  
 “ of ED. ALLEN, Clifford's Inn,  
 “ L. FORREST.

THOMAS HAMMERSLEY, (L.S.)

“ Sealed and delivered by the above-named  
 “ THOMAS HAMMERSLEY, in the pre-  
 “ sence of WILLIAM HARDCASTLE,  
 “ THOMAS DALAHUNT, jun. Clerks to  
 “ Mess. HAMMERSLEY, and Co.

Mr. D.—Probably your Lordship does not recollect how that case turned : Bishop Lowth had a verdict against him in the Courts below, and succeeded, on appeal to the House of Lords, by a majority of one vote only, and this, I believe, occasioned by a Noble Lord, materially interested in Lay Impropriations, not coming down till the House was dividing, and who was thus prevented from voting with three proxies on the other side of the question.

Bp.—That I never heard.

Mr. D.—When may I expect your Lordship's decision, or are you now prepared to refuse me Institution ?

Bp.—I am not. You know, Mr. Dudley, that I have *twenty-eight days* before I am bound to decide ; but I will not keep you in unnecessary suspense, you shall hear from me, and know my determination, in *two or three days*.

Mr. D.—I feel, my Lord, this opposition more sensibly, because I may fairly claim the merit of having restored the Church in question, and the morals of the country around, from a

ruinous neglect, to a state of decency, and decorum.

Bp.—I have been repeatedly informed of your many exertions for the public good, in various ways, in your country.

Mr. D.—I hope, if the issue of your Lordship's enquiries be favourable to my claim, that I may not lose your good offices with the Chancellor in favour of Mr. Birch.

Bp.—By no means ; quite the contrary. I shall see the Chancellor on Thursday in the House of Peers, and will speak to him upon it.

Mr. D.—Supposing the possibility of an opinion contrary to my wishes, how are the Trustees to act ?

Bp.—They may present any other Gentleman they think proper.

[Here his Lordship asked Mr. D. if he would take any refreshments, which he declined, and retired.]



No. II.

REV. SIR,

I Received your Letters of Priest's Orders and Testimonial, which I have laid before my Lord Bishop of London, who directs me to acquaint you, that you will hear from his Lordship in a few days.

I am, Reverend Sir,

Your most obedient,

Humble Servant,

THOMAS PORTEUS.

*Gerrard-street, Soho,  
January 29th, 1798.*

P. S. You will please to recollect, you have not sent me your Letters of Deacon's Orders.

*Rev. H. B. DUDLEY,  
Bradwell Lodge, Essex;*

No. III.

*Bradwell Lodge, January 30th, 1798.*

SIR,

I Had the favour of your letter this day, respecting my Deacon's Orders : they have been lost some years, which was stated at the Bishop of London's last Visitation : it will appear, however, to his Lordship, by a reference to the Books of Bishop Terrick, that I was ordained both Deacon and Priest, by that Prelate, in the Diocese of London.

I am, Sir,

Your most obedient Servant,

H. B. DUDLEY.

THO. PORTEUS, Esq.

*Secretary to the Bishop of London.*

No. IV.

*St. James's Square, January 30th, 1798.*

REV. SIR,

**T**HAT I might not decide too hastily on a matter of so much importance both to you and to me, I took more time than I at first intended, to turn it in my thoughts, and to make proper enquiries concerning it: I have now taken the very best advice that could be had, and have received very material information respecting the nature of the transaction in question: and therefore, agreeably to my promise, I now inform you, that if you should judge it expedient to offer yourself to me for Institution to Bradwell, my duty will render it necessary for me to refuse you.

I am, Sir,

Your obedient Servant,

B. LONDON.

Rev. H. B. DUDLEY,  
*Bradwell Lodge, Essex.*

B



No. V.

*Bradwell Lodge, February 1st, 1798.*

MY LORD,

I Have to acknowledge the receipt, this day, of your letter, dated the 29th January last. I agree with your Lordship, that the subject of it is matter of very considerable importance to us both, and therefore I may probably have occasion once more personally to appeal to you thereon. In the mean time, I must request your Lordship to recollect, that I made a tender of the Presentation to Bradwell in my behalf on Monday the 2d of January last, and that you will also favour me with an early acknowledgment of that fact.

I have the honour to be,

My Lord,

Your Lordship's most obedient Servant,

H. B. DUDLEY,

*To the Right Rev BEILBY,  
Lord Bishop of London.*

No. VI.

*St. James's Square, February 5th, 1798.*

REV. SIR,

AGREEABLY to your desire,  
I send you an early acknowledgment, that you  
made a tender to me of the Presentation to  
Bradwell, on Monday the 2d of January; and  
am, Sir,

Your obedient Servant,

B. LONDON.

Rev. H. B. DUDLEY,  
*Bradwell Lodge, Essex.*

No. VII.

*Bradwell Lodge, March 29, 1798.*

MY LORD,

MORE than two months have now elapsed since, in conformity to your Lordship's recommendation, I tendered to you the Presentation in my favour to the Rectory of Bradwell near the Sea, vacant by the decease of the Reverend George Pawson, the late Incumbent. As no decisive refusal of it on your part has yet been given, I am not without hopes that some circumstances, probably unknown to you, which I shall now state for your information, may induce your Lordship to view the whole case in a light not unfavourable to my interest, and claim.

Your Lordship remarked, at our last interview, " that if, under legal advice, you should feel yourself warranted in objecting to my Presentation, you must candidly acknowledge, that it would arise from the ground of my occupation of the Glebe and Tythes, which you were not



then prepared to say, did, or did not amount to a virtual resignation in my favour ;"—allow me, therefore, to state to you the origin, and what appeared to me the justification, as well as necessity of this residentiary occupation on my part: it will demonstrate, I trust, that the Lands and Revenues, &c. of the Church of this Parish were thus rescued from waste and dilapidation, and the decent performance of its official duties, from a long, and shameful neglect. This explanation will unavoidably require some detail. It may be proper to premise, that the Advowson in question was purchased when it was full, though with an expectation of possession at no very distant period, from the declining health of the Incumbent:—that the agreement was made under the sanction, and in the presence of a Professional Gentleman of high respectability, still living, and evidently without any idea of a resignation, because no application was made to your Lordship's predecessor, or yourself for that purpose, during the seventeen years which Mr. Pawson lived after such contract.

On going over the Glebe previous to the purchase, I found it to consist of about three hundred acres of land, but in so ruinous a state, from

inundations, and various causes of extreme neglect, that the tenant was broken upon it, and no other could be procured to become its occupier. It was destitute of every building necessary for the conduct of the business. On applying to the Farmer whose premises adjoined, he declared to me, that he would not possess it on a lease of seven years rent free. The Church, and Chancel were in a similar state; the Church-yard without fence, and its graves even disturbed by the hogs of the village. From the then unhealthiness of the country, no Rector or Vicar resided within many miles of this desolated peninsula; nor could a Curate of decent manners be found to live there on any terms, for the due discharge of the ordinary parochial duties. From this survey, my Lord, it was evident to me, that no effectual reform was practicable without great exertion, and that by a Gentleman who would reside on the spot, and become the adventurous occupier of this deluged, and impoverished Farm: I thought myself competent to the undertaking, and was induced to close with the proposal, and accept the possession. Still I entered upon it with reluctance, aware that my tenure of residence must depend on the acquiescence of my Diocesan, who, by depriving me of the Cure, might re-

move me to a residence on my own Living. The first steps I took, were to see the Church, with the Chancel, &c. repaired as became a place of Public Worship—to have the Services of it regularly administered—to promote the increase of a neglected Congregation—to restore the Free School to the useful purposes of its institution—and to form a Police for the protection of a country which I found lawless. My next objects were to drain the Glebe Lands, and prevent the Sea from continuing to overflow them, by embanking in an additional portion; for which I was honoured by the Society of Arts and Sciences with a reward of their Gold Medal. In short, my Lord, after many years unceasing exertions, and an expenditure in all respects proportionate, I have the satisfaction to know, that the Advowson of Bradwell, with all its appendages, has been thus restored, from a long and disgraceful state of abandonment, to the decent rank it may now fairly claim in the Established Church.

And here, my Lord, I may be allowed to repeat, what I urged to you in person, that if this my improvement of the Glebe, &c. on terms confessedly so long, and well known to two of my Diocesans, had been deemed by either inconsistent with the real interests of the Church,



the authority with which you are invested, might at any moment have prevented it's continuance. Where then could have been found the virtual resignation in my favour, of which your Lordship seems now so apprehensive, when my slender tenure rested solely on the retention of the Cure, from which I was at all times removeable at your pleasure? You will be pleased to recollect, that some years past, in compliance with my request, you favoured me so far, as to withdraw your licence, given to my then assistant, Mr. Shaw, for Bradwell Curacy, lest it might incapacitate me respecting this tenure; which, to my mind, seemed to countenance the very act you are now inclined to question. It is necessary also for your Lordship's information, that the most considerable portion of the Tythes had been previously leased to Mr. William Smith for three lives, at a reduced rent, upon a fine, and devolved to his Executor, Mr. John Willes, who retained it uninterruptedly till Mr. Pawson's decease; that Mr. Pawson continued invariably to exercise all the essential acts of incumbency, and even nominated, as Rector, to the Free School, but a short time before his death, without paying the smallest regard to my recommendation. These are points which I conceive

material for your consideration. Whatever of error there may have been in the transaction, your Lordship's candour in declaring to me that you were at a loss to satisfy your own mind whether there was any thing illegal in it, or not, will, I trust, exempt me from the charge of an intentional offence against the Constituted Authorities of the Church, which my best endeavours have been directed to support. In a word, my Lord, I have devoted my whole fortune, and the principal part of an active life, to the general cultivation of the neighbourhood in which I have resided: for the effect of these exertions on the people around me, I may with some confidence refer you to the approving testimony of my County. I have no difficulty in acknowledging, that I had an eventual expectation of some recompence for my labours.--It is with your Lordship now to determine, whether, out of the whole of these proceedings, there can arise cause sufficient to justify to your own feelings, and to the world, an official interruption of what I deem my fair, and legal right of succession.

I shall await your Lordship's summons, in order to receive your final decision on this subject.

I have the honour to be,

My Lord,

Your Lordship's obedient Servant,

H. B. DUDLEY.



No. VIII]

*St. James's Square, April 4, 1798.*

REV. SIR,

IN the letter with which you lately favoured me, I was a little surprised to observe, that you conceive I had not yet given you any decisive refusal of Institution to Bradwell. It was certainly my intention to do so, in my letter to you of January 30th last; and if you will take the trouble of reading that letter again, you will, I think, find that intention conveyed as decidedly as words are capable of expressing it.

When you brought your Presentation to me, at Fulham, I did, undoubtedly, among other things, object to the Lease, which you acknowledged had been granted to you, of the Rectory of Bradwell, and which I wished to see; at the same time, I added, that, although I had not, at that moment, completely made up my mind on the subject, yet I thought it even then probable that I should refuse you Institution; that I should, however, take full time to consider the

question carefully, and to ask the best advice upon it, after which I should acquaint you with my determination.

All this I accordingly did, and, on the 30th of January, I wrote to inform you, that, if you judged it expedient to offer yourself for Institution, my duty would render it necessary for me to refuse it. I do not even now see in what terms I could have expressed myself more explicitly and decidedly.

With respect to my supposed acquiescence in your occupation of Bradwell Rectory, the real truth is, that, till lately, I was not at all apprised of the nature of your tenure and situation there, and of the transactions that had passed between you and Mr. Pawson; and till the vacancy of the Living brought the business regularly before me, nothing had occurred which made it necessary for me to make any enquiries concerning it.

This will also account for the favour you say I shewed you in the case of Mr. Shaw, of which, however, I have not, I confess, at present, the slightest recollection.

Your successful and laudable exertions in the improvement of the Rectory of Bradwell, and it's premises, and the surrounding country, I am not in the smallest degree disposed to controvert. But neither this, nor any of the other circumstances you state to me, do, in my apprehension, make any material alteration in the substantial merits of the question. I therefore still feel myself compelled, by an indispensable, though painful duty, to resist (as others have done before me) such contracts as you appear to have entered into ; to take the opinion of the Court on a matter of high importance to the good government of the Church, and the interests of religion ; and, of course, to persevere in my determination of the 30th of January last, to refuse you Institution to the Rectory of Bradwell juxta mare.

I am, Sir,

Your obedient Servant,

B. LONDON.

Rev. H. B. DUDLEY,  
*Bradwell Lodge, Essex.*



No IX.

*Bradwell Lodge, 14th April, 1798.*

MY LORD,

I Have this day the honour of your letter of the 4th instant, on my arrival from Hertfordshire. The immediate return of the Post will prevent that reply to it at this moment, which it necessarily requires, but I shall take the earliest opportunity of transmitting to your Lordship my further sentiments on this subject.

I am, my Lord,

Your Lordship's

Most obedient servant,

H. B. DUDLEY.

*To the Right Rev. BEILBY,  
Lord Bishop of London.*

No. X.

*Chelmsford, May 9, 1798.*

MY LORD,

THE tender of my Presentation on the 2d of January last, pursuant to your direction, was supposed by me to convey the necessary claim to Institution. Your observations upon it confirmed me in this opinion. It is far, however, from my desire to avail myself of any misconception on this occasion. But there remain some facts which may possibly require further explanation. I have abstained, for the present, from transmitting to you a statement which I have drawn up, in answer to two or three declarations contained in your last letter, hoping that the necessity of the case may not press for this reply. Some respectable friends, not unknown to your Lordship, have advised me to recall to your attention, that a line of conduct directed for so many years to the moral improvement of a Parish, cannot be without its weight, in a question, where the interests of religion are declared by you to be the primary object.

I solemnly protest to you, my Lord, that I never had an idea of the least impropriety through the whole transaction, until you expressed some doubts on the subject; and how little desirous I was that the Contract should even proceed, will appear from the following proposals which I advised Mr. Wallis to make, to terminate the misunderstanding which arose on a discovery that Mr. Pawson had sold under a false rental.

1st, For Mr. Pawson to return the money advanced, and the negotiation to cease;—  
or,

2d, For Mr. Pawson to let his Glebe and Tythes to the several Parishioners on a lease for seven years; and in that case to be paid for any increase of rental he might thus fairly produce, in proportion to the terms first stipulated for the Advowson;—  
or,

3d, To leave the matter in dispute to the Arbitration of two Gentlemen of our County.

Though all these proposals Mr. Pawson refused, and thus compelled a recovery to be made



from him by a Chancery process, they will tend, I trust, to convince your Lordship, that I had no desire at that period to become the occupier of the Glebe, &c. or that the nature of the contract should be withheld from the world.

Your Lordship is by this time, no doubt, aware, that a deprivation of my incumbency would involve me in consequences of a very serious nature. The times—and we learn it impressively from your own Charge—are loaded with sceptical, and political peril. Abstract discussions on speculative rights of the Church, certainly do not besit them; yet I should indeed be unworthy of the humble rank I hold in that Church, were I forgetful altogether, that I have my share of those rights to sustain, in common with the rest of my profession. Still, my Lord, I am not unwilling to receive as a boon at your hands, what I am advised I may substantiate by legal claim. If it be a painful office, as you state, to oppose my Institution, what must I feel, compelled to question any part of the Episcopal Jurisdiction, to which, by inclination as well as duty, I owe a cheerful obedience? Should what I have urged, or any thing more favourable which the liberality of your own mind may suggest, induce you to suspend your decision, perhaps the senti-

ments of the most respectable characters in the County where I reside, might be received in so peculiar a case, without any impeachment of your authority. If I were allowed to avail myself of such testimony, your Lordship might at least learn, whether, in the opinion of that County, my general conduct has entitled me more to public approbation, or professional proscription.

From your absence in the Country the last three or four days, I must unavoidably defer a personal attendance upon your Lordship till my return to town.

I have the honour to remain.

Your Lordship's

Obedient servant,

H. B. DUDLEY.

*To the Right Rev. BEILBY,*

*Lord Bishop of London.*

## No. XI.

*Fulham, May 14, 1798.*

REV. SIR,

**T**HE tender of the Presentation (especially where there is any doubt about it) is a distinct thing from an application for Institution. The latter I mentioned merely on your own account, as the regular mode of proceeding in point of form. But as it is by no means my wish to give you needless trouble respecting mere matters of form, I will save you the inconvenience of a journey to Fulham, where I am now resident, by saying, that you have my consent to consider yourself as having demanded, and having been refused Institution, and may proceed accordingly, just as if those forms had actually taken place.

For the rest, my resolution having been taken after very mature deliberation, and on what I think the best, and most substantial grounds, I do not feel myself at liberty to depart from it; and you will therefore pardon me if I cannot enter fur-



ther into the discussion of statements, which will, with more propriety, make a part of what your Counsel may fairly offer to the consideration of the Court.

I am, Sir,

Your very obedient Servant,

B. LONDON.

Rev. H. B. DUDLEY,  
*Bradwell Lodge, Essex.*

No. XII.

## MINUTES.

WAITED on the BISHOP OF LONDON on Monday morning, 30th of July, at *Fulham*. I informed his Lordship, that I waited upon him once more on the subject of my Presentation to the Rectory of Bradwell;—that I had reason to believe some misrepresentations of my conduct had been made to him, and therefore I felt it incumbent upon me to endeavour to remove them from his Lordship's mind; and this in common justice to my character, whether it operated or not on the important question between us.

BISHOP.—I cannot conceive, Mr. Dudley, how you should have been told that I have heard any thing said disrespectfully of you.

Mr. D.—It is only my own conjecture, my Lord: however, I thought it right to leave no ground for any such prejudice against me, by applying to the first authorities in the County where I have so long resided, requesting the

general opinion of that County on my conduct—viz. to our Lord Lieutenant, whose sentiments I have now the honour to lay before you, with his Lordship's permission for any reference to him on the subject which you may deem necessary. But I must beg it to be understood, that Lord BRAYBROKE had not, in this instance, even the remotest idea of interfering with your Lordship's ecclesiastical authority.

BP.—I should suppose not.

[Here was presented a Copy of the following Extract, for the Bishop to peruse :]

*" If any use can be made of my testifying to his Lordship,  
 " or to any one else, your meritorious services in the  
 " improvement of a neglected Parish, and in your at-  
 " tention as a Clergyman to the duties of your station  
 " within the same, I shall be always happy to record  
 " them, as well as your active zeal, and exertions as a  
 " Magistrate of a great County ; because I really think  
 " you have been eminently useful, and praise-worthy in  
 " your neighbourhood.*

*" I am, Sir,*

*" Your most obedient,*

*" Humble servant,*

*" GRIFFIN BRAYBROKE."*

BILLINGBEAR,

July 9<sup>th</sup>, 1798.



[His Lordship returning it, without any observation, Mr. Dudley proceeded]—

Mr. D.—May I hope, my Lord, that your reconsideration of the case, with so respectable a testimony in my favour, will prevent me the painful necessity of contending with your Lordship legally for the Institution I solicit.

Bp.—I see no ground, Sir, to induce me to alter the decision which I have already made, and declared to you.

Mr. D.—I shall not press you then, my Lord, for its revocation any longer.

Bp.—You know, I suppose, Mr. Dudley, that the Living is mine.

Mr. D.—How so, my Lord?

Bp.—Have you not read my letter, which I wrote you on Thursday, to Bradwell?

Mr. D.—No, my Lord—as it could not be conveyed by the post to Bradwell before Sunday; but I probably shall have it up to day, and will lose no time in remitting you my answer.

BP.—I told you therein, that I could present to it ; and I can, at this moment, if I please.

Mr. D.—I must differ from your Lordship in this opinion.

BP.—Why, Sir, the six months are gone by, and you have taken no steps to contest the matter with me in the Courts ; and therefore it has lapsed to me.

Mr. D.—Your Lordship will scarcely think that I could be neglectful of so essential an interest of my own, if I thought so.

BP.—No, I suppose you thought otherwise ; but you will allow it a generous act on my part to abstain from so doing.

Mr. D.—I have not heard any thing which has fallen from your Lordship, to induce me to conclude that any lapse has occurred. I believe, my Lord, the issue on this question, must be joined between you, and my nominal Patrons, who are legally supposed to be ignorant of what has passed between your Lordship and me, and even to conclude, that, as the Clerk under their Presentation, I have received Institution at your hands.

Bp.—I am advised otherwise.—Who are the Patrons ?

Mr. D.—My Trustees.

Bp.—Surely you were bound to notify my refusal to them.

Mr. D.—I conceive not, my Lord, if I had received such refusal—the best authorities expressly declare it otherwise—as your especial duty.—It is necessary to inform your Lordship, that much confusion is likely to arise out of this unfortunate case, respecting the Tythes, and other Revenues of this extensive Parish.

Bp.—I have just received a letter from the Churchwardens on that head, stating your interruption of their proceedings in that business.

Mr. D.—I assure your Lordship, on my honour, there is not a word of truth in such a representation: they have repeatedly waited upon me for advice how to act, and I have invariably recommended them to discharge their duty under your Sequestration with a due regard, as they are bound, to the interest of the next



Incumbent : this your Lordship's Register, Mr. Parker, of Chelmsford, can testify. I have directed my own Tythes to be set out, ordered the barns and out-yards, and even my teams and horses, to be at their service in collecting the Tythes : but this groundless imputation may probably have a reference to some views respecting the valuation of their own Tythes.

Bp.—I could scarcely conceive that a Gentleman of your good sense would act in the manner stated in their letter. I have ordered my Secretary to write to them, *after taking legal advice in their favour*, directing them how to proceed : I will write to them myself, in consequence of your declaration, as it is extremely improper that you should lie under such an imputation.

Mr. D.—I shall be obliged to your Lordship to do me this act of justice.

Bp.—Well, Sir, I hope then that you will now proceed in the Courts within the time specified in my letter.

Mr. D.—The delay arose out of delicacy to your Lordship. The process would unavoidably take much time, and attention, in drawing up.

The Writ of Summons, I understand, has been filed. I was informed that it would be impossible to bring the question to issue so soon as at the last Affizes. I determined, therefore, to suspend the service of it, lest it might bear a misrepresentation, pending any thing mediatory with your Lordship on the subject. I have been guided by the advice of my Solicitors, Mess. Allen, of Clifford's Inn, of whose professional respectability there can be no doubt.

Br.—Certainly not.—It might be brought on at the Affizes, or in the Common Pleas, just as you chuse:—by *Quare impedit*, I suppose, it will be done?

Mr. D.—I believe it is so intended, my Lord:—may I expect that your Lordship will at least rest satisfied with the decision of a Jury on the question?

Br.—That must depend on the subsequent advice I may receive. I do not like to bind myself on such occasions; but I never was a pertinacious, or oppressive adversary, and you will not find me, Mr. Dudley, inclined to put you to any unnecessary inconvenience, or expence.

Mr. D.—If my Trustees were disposed to present any other Gentleman, would your Lordship admit of my succession in case of a future vacancy ?

Bp.—You mean, if the Trustees withdrew their existing Presentation ?

Mr. D.—Yes, my Lord.

Bp.—That is a circumstance I have not considered.—I shall expect, Mr. Dudley, that you will now proceed in your suit, or I shall collate to the Living, as stated in my letter.

Mr. D.—My Solicitors shall have immediate instructions, my Lord, to proceed without delay.



No. XIII.

*Webb's Hotel, King's-street, Covent-Garden,  
Tuesday Evening.*

MY LORD,

AS the Churchwardens appear, by your statement to me this morning, to have preferred a very false, and injurious charge against me, by letter to your Lordship, complaining of an interruption on my part, of their endeavours to secure the just Tythes, &c. for the next Incumbent of the Rectory of Bradwell near the Sea, I have to request, that your Lordship will favour me with a copy of that letter, to enable me the more effectually to remove so groundless, and insidious an accusation. On my return into the country, I will transmit to your Lordship, a copy of a Notice I sent to the said Churchwardens, to prevent, as much as lay in my power, that partial collecting of the said Tythes, to which I perceived them much inclined :—I shall trust that your Lordship will intimate to them, that they are bound to collect

the Tythes in kind, without partiality, or favour  
to any one.

I am, my Lord,

Your Lordship's

Most obedient Servant,

H. B. DUDLEY.

*To the Right Rev. BEILBY,  
Lord Bishop of London.*

## No. XIV.

Fulham, July 31, 1798.

REV. SIR,

THE letter which I received from the Churchwardens being written to me not with a view of *Lodgeing*\* a complaint, but of asking my advice how they were to proceed under certain difficulties which had occurred, and which they were under a necessity of stating to me, I do not think myself justified in giving you a copy of their letter without their consent. For this consent I shall apply to them, and shall also inform them, that they must collect the Tythes without any partiality, or prejudice whatever. I have already informed them, that you denied having given any opposition, and was ready, on the contrary, to afford them any assistance in your power.

The idea you seemed to entertain, that a lapse had not taken place, because notice was not

---

\* The words in *Italics*, are so marked by the Bishop, throughout the Correspondence.

\* *Vide page 71*



given to the Patron, is totally unfounded. I was pretty certain of it when you was here: I have now looked into the Books, and have no doubt. A lapse ~~was~~ most assuredly incurred, and the Living is at this moment in my power.

I am, Sir,

Your obedient Servant,

B. LONDON.

Rev. H. B. DUDLEY,

*Webb's Hotel, King-street, Covent-garden.*

No. XV.

*Webb's Hotel, July 31st, 1798.*

MY LORD,

I Have been with my Solicitor, and saw the Writ of Summons which had been filed against your Lordship at my suit, a considerable time back. I request you to inform me the name of your Solicitor, with whom this Writ may be left, to prevent your Lordship the inconvenience of a personal service.

I am, my Lord,

Your most obedient Servant,

H. B. DUDLEY.

*To the Right Rev. BEILBY,  
Lord Bishop of London.*

F

No. XVI.

**T**HE Bishop of London presents  
his compliments to Mr. B. Dudley, and informs  
him, that the name of his Solicitor is Richard  
Burn, Esq. Dean's-Yard, Westminster.

*Fulham, Aug. 1<sup>st</sup>, 1798.*

*Rev. H. B. DUDLEY,*

*Webb's Hotel, King's-street, Covent Garden.*



No. XVII.

*Wobb's Hotel, King-street, Covent-garden,  
Tuesday Evening.*

MY LORD,

SINCE the receipt of your letter, which informed me of the instructions you had obligingly given to the Churchwardens, agreeably to my request, I have had an account from Bradwell of their departure from every thing fairly stipulated between us, in the presence of Mr. Parker, your Lordship's Register, respecting the mode, &c. of setting out the Tythes of the Parish. They have employed, as it is stated to me, a person from a distant County, to *value* only, instead of to *set out* their own, and some other of the Parishioners' Tythes, which have for years past been taken in kind, and this even without permitting my Farming Bailiff to be present. They have done in like manner by my lands not attached to the Church, although I gave them due notice, that I should

order all my Tythes to be set out. They are also preparing, as I am advised, to lodge such Tythes as they may partially take in kind, within their own barns. I need not inform your Lordship, that these acts must prove highly injurious to the interest of the Church, by depriving the Glebe of its accustomed manure, though the produce of corn should hereafter be justly brought to account.

I trust, under these circumstances, that you will not think I solicit any thing unreasonable, in requesting, that your Lordship will give explicit, and immediate directions to the Churchwardens as to the only legal mode of collecting the Tythes, and the only scite on which the corn can be properly secured for the benefit of the next Incumbent. I am ready, as I have stated to them, to give ample security for its produce, or protection on the Parsonage premises. I am confident that these measures of more than indiscretion on their part, will not be sanctioned by your Lordship's approbation.

I shall not lose a moment in replying to the whole of your Lordship's observations on the supposed lapse, when I see your former letter

on this subject, which I shall find to-morrow at  
Bradwell.

I am, my Lord,

Your Lordship's

Most obedient Servant,

H. B. DUDLEY.

P. S. It is proper your Lordship should know,  
that the Churchwardens came to my house,  
not a week ago, and proposed to enter into an  
agreement with me for the six farmers whose  
Tythes were *taken in kind*, including themselves;  
but the terms which they offered not being half  
the value of the said Tythes, they were disre-  
garded by me: this proposal was, on condition  
that the money should be lodged at any Banker's  
I might name, for the benefit of the next In-  
cumbent:

*The Right Rev. BEILBY,*

*Lord Bishop of London, Fulham.*



No. XVIII.

*Bradwell Lodge, Wednesday Evening.*

MY LORD,

I Lose no time in transmitting to you a copy of the hastily written Notice \* which I sent to each of the Churchwardens respectively. On a reference to a minute I made that morning from their proposal, and at their

---

\* NOTICE.

ESSEX.

*Bradwell Lodge, 27th July, 1798.*

I hereby give you notice, that I do object to your entering into any composition with the Parishioners of Bradwell near the Sea, for their Tythes of the present year, (as far as respects my immediate, or future interest in the same) such Parishioners having, by your statement made to me this day, refused to give such price per acre for the said Tythes, as appears to me adequate for the same; and I further give you notice, that I have directed my Bailiff to set out my Tythes within the said Parish agreeably to your demand made of me this day; and that I have further directed him to set apart the

request, it appears that this tender, in behalf of four of the principal farmers, *whose Tythes had regularly been taken in kind*, was as follows; viz.

For Mr. ANDREWS (Churchwarden) -	£. 80
Mr. HOLDEN	70
Mr. ROBINSON	65
Mr. SPURGEN	50

The occupation of the former is nearly three hundred and sixty-five acres, chiefly of the finest corn land; so that this tender was little more than four shillings per acre for Great and Small Tythes, from which the Church had derived, for some years past, ten shillings per acre. The sum

---

the Parsonage Barns, and Stack-yards, for the reception of the Tythes of the said Parish for the present year, conformably to your request; and also that he do supply such waggons, and horses, as you may deem necessary for taking the said Tythes in kind, in like conformity to your desire; and therefore that I shall expect the said Tythes of the said Parish to be duly and faithfully taken by you in kind, and placed within the said barns and stack-yards, for the use and benefit of the next Incumbent of the Parish of Bradwell near the Sea.

H. BATE DUDLEY.

*For Messrs. GAMALIEL KEYS, and MATTHEW ANDREWS, Churchwardens of the Parish of Bradwell near the Sea, in the said County.*

offered for the rest, bears nearly the same proportion. In making this tender, the Churchwardens said, that they were all determined not to advance a single shilling; and, if it was not agreed to by me, they (the Churchwardens) would have all the Tythes taken in kind. In consequence, I told them, that the parsonage-barns, and other premises should be ready for their use, and that I would give immediate directions for my Tythes also to be set out in kind. Mr. Keys, the other Churchwarden, I find, made no proposal for himself that day.

I am, my Lord,

Your most obedient Servant,

H. B. DUDLEY.

*The Right Rev. BEILBY,*

*Lord Bishop of London, Fulham.*



## No. XIX.

Fulham, Aug. 2, 1798.

REV. SIR,

THE collection of Tythes, or the composition for them by Sequestrators, is a business in which I have not the smallest concern, and in which I have never once interfered, either in this Diocese, or my former one ; it belongs solely to the Sequestrators themselves, who are responsible for their conduct to the next Incumbent ; and if they have been guilty of any partiality or injustice, he may call them to an account for it. I have already enjoined them in general terms, to act *without prejudice, or partiality to any person whatever*. This I hope will have its due effect upon them. Were I to enter into further details on such subjects as these, my whole time would be occupied in matters totally foreign to my proper business, which is already full as much as I am able to manage.

G

I hope, therefore, you will excuse me from  
taking any further share in this dispute; and  
am, Sir,

Your faithful,

And obedient servant,

B. LONDON.

Rev. H. B. DUDLEY,  
*Bradwell Lodge, Essex.*

## No. XX.

*Bradwell Lodge, August 5, 1798.*

MY LORD,

IF I thought with you, that to enforce a fair collection of the Tythes of Bradwell, under your own Sequestration, "was foreign to your proper business," and "that you have not the smallest concern therein," it would be inexcusable in me to trouble you on this subject: but conceiving as I do, that this is a duty appertaining to the Episcopal functions, and knowing that your Lordship took upon yourself a considerable portion of solicitude respecting this particular matter, you will not refuse me, I hope, a few observations upon your last letter, in the defence at least of my own conduct. The authority which the two sequestrating Churchwardens now exercise; being immediately derived from you, I am at a loss how you will rest satisfied with having issued so important an instrument, without manifesting some regard for the fulfilment of those duties which it enjoins. Having



entertained a full sense of your authority, when you admitted, and repeated the groundless charge brought against me by these Churchwardens, and directed your Secretary to take a legal opinion in their support, it cannot but appear singular to me, that an enquiry into the facts should be declared by your Lordship to be *foreign to your duty*, when my justification, and the security of the Church revenues, remained the only points to be considered.—Your answer to my request for a copy of their letter, after I had assured you of the total falsehood of the accusation, is thus given on the 31<sup>st</sup> of July:—

“ The letter which I received from the Church-  
 “ wardens being written to me not with a view  
 “ of *Lodgeing* a complaint, but of asking my ad-  
 “ vice, how they were to proceed under certain  
 “ difficulties which had occurred, and *which*  
 “ *they were under the necessity of stating to me*, I  
 “ do not think myself justified in giving you a  
 “ copy of their letter without their consent.  
 “ For this consent I shall apply to them, and  
 “ shall also inform them, that they must col-  
 “ lect the Tythes without any partiality, or  
 “ prejudice whatever. I have already informed  
 “ them, that you denied having given any op-

“ position, and was ready, on the contrary, to  
 “ afford them any assistance in your power.”—  
 This I naturally concluded to be taking *some*  
*concern*, my Lord, in the state of the sequestrated  
 Rectory of *Bradwell*; yet when I transmitted to  
 you an attested copy of the Notice previously  
 sent by me to the Sequestrators, in proof of the  
 assurance which I had given to your Lordship on  
 this head, I was not favoured with a word in  
 reply, nor even with any further intimation re-  
 specting the copy of the letter, which, from  
 your former statement, I had some reason  
 to expect; your Lordship contenting your-  
 self under this general declaration, “ were I to  
 “ enter into further details on such subjects as  
 “ these, my whole time would be occupied in  
 “ matters totally foreign to my proper business,  
 “ which is already full as much as I am able to  
 “ manage.”

I have never desired, my Lord, that you should  
 enter unnecessarily into any details, as far as they  
 may respect me; nor have I more time than  
 your Lordship to expend in trifling discussions;  
 but I shall deem no portion of it misemployed,

which may be required for the defence of my property, or the support of my character.

I have the honour to remain,

My Lord,

Your Lordship's most obedient Servant,

H. B. DUDLEY.

P. S. The continued conduct of the Churchwardens, demonstrates the necessity of my applications for your Lordship's interference.

*The Right Rev. BRILBY,  
Lord Bishop of London, Fulham.*



## No. XXI.

*Fulham, July 26, 1798.*

REV. SIR,

IT has been matter of no small surprise to me, and those whom I have consulted, that no proceedings in the Courts of Law have yet been commenced on your part, in support of your Presentation to the Rectory of Bradwell juxta mare, although it became vacant, I think, about the middle of November last. In consequence of this neglect, the Living has unquestionably lapsed to me, and it has been in my power for more than two months past to collate to it. Supposing it, however, possible that you might not be aware of this circumstance, I have, from motives of generosity, hitherto forbore to avail myself of an advantage to which I had a perfect right, and by which some friend of mine might have been greatly benefited. But I cannot, consistently with my duty, exercise this forbearance much longer. It is, on many accounts, highly improper that so considerable a benefice should continue void for so great a

length of time. I think it therefore necessary, as well as fair and honourable, to apprise you, that if, within a month or six weeks from this time, you do not take some legal steps to support your claim, it will be incumbent on me to collate a Clerk of my own to the vacant Living.

I am, Sir,

Your obedient Servant,

B. LONDON.

Rev. H. B. DUDLEY,

*Bradwell Lodge, Essex.*

## No. XXII.

*Bradwell Lodge, August 2, 1798.*

MY LORD,

I Have now perused your letter, dated the 26th of July, and referred to in our last interview at Fulham. I did not expect to find it contain so positive an averment, " that the Living of *Bradwell* has unquestionably lapsed to you, because no proceedings in the Courts of Law have yet been commenced on my part, in support of my Presentation to that Rectory;" and " that it has been in your power for more than two months to collate to it." I should apprehend, that the surprise you mention of those whom you have consulted on this point, might not have arisen, had they been informed what you, my Lord, well know,--that the Presentation in my favour was made to you in bar of lapse, *on your own suggestion to me*, and that your indecision

H



respecting my admission or refusal, left me at liberty till the present period, to institute a legal process at my convenience ; for, by reference to your letter of the 14th of May, it will appear, that the matter is there made no further conclusive, than by your conceding to me the discretionary power of receiving your declaration thereon as a legal rejection, or not. I still conceive, my Lord, what I urged to you on Monday last in person, that, under the circumstances of the present extraordinary case, the Law does require notice of refusal from you to the Presenting Patrons.

If it were not so, any Patron, by a collusion between his Presentee, and a Bishop, might be subject to the collation of another Clerk to his Advowson by the latter, under a pretence of lapse, at the very time he had good grounds to suppose the Church full, by virtue of his own Presentation. In your late letter, July 31, you seem to conceive, that I question your idea of a lapse on this defect of notification alone ; but this point, though material, if your Lordship will recollect, did by no means constitute the whole grounds of my objection. I have also looked a little into the books, which contain such various, and fluctuating opinions, and from them take the liberty of citing some authorities for your perusal, which,

applied to the circumstances of our case, I think, go conclusively with me.

“ In all cases, it is fair, and equitable, to give notice  
“ to the Patron of the refusal, whatever the case may be ; for  
“ it is very possible, that the person presented may be  
“ many ways unfit, and the Patron not know it.”

— “ And it is not enough that the Bishop barely give  
“ notice of his refusal, unless he also signify the cause of  
“ it ; for although the Bishop is Judge in the examination,  
“ yet, inasmuch as the proceedings of the Bishop are not  
“ of record, the cause of refusal is traversable.”

5 Co. 58.

— “ And such notice ought to be given with as much  
“ speed as conveniently may be ; and therefore, when the  
“ Ordinary delayed to give notice to the Patron, for the space  
“ of twenty-two days, it was held, that the notice was in-  
“ sufficient, and that therefore the Bishop should have no  
“ advantage by lapse.”

WATSON, c. 20.

— “ And notice is to be given in such cases, to the per-  
“ son of the Patron, if he be within the county where the  
“ church is at the time of giving thereof ; otherwise it is to  
“ be given to him by an instrument in writing affixed to the  
“ door of the church to which the Clerk was presented.”

WATSON, *ib.*

I shall apply these opinions, my Lord, no further, than by remarking, that the Presenting

Patrons of Bradwell have received no notification whatever of refusal from you, down to the present moment.—

I am not disposed to question the general tenor of your Lordship's liberality; but as I cannot admit the power here claimed, the act of generosity, which you pressed also when I last saw you, appears but little more than forbearing to exercise an indiscreet bounty, which inclines us to dispose of property that we have no right to bestow: your own words are these: "I have, "from motives of generosity, hitherto forborne "to avail myself of an advantage, to which I "had a perfect right, and by which some friend "of mine might have been greatly benefited." To this is added, "I think it therefore necessary, as well as fair, and honourable, to apprise "you, that if within a month, or six weeks from "this time, you do not take some legal steps to "support your claim, it will be incumbent on "me to collate a Clerk of my own to the vacant Living."—Surely, my Lord, if it be but *fair*, and *honourable*, not to take an undue *advantage* of another, a sentiment in which all men of probity concur, the generosity of forbearing to act otherwise is scarcely worth the assuming.—Finding every effort of conciliation



of no avail, though supported by a testimony of reference in my favour of the first authority, I have now but to submit to the inconveniences of that legal process which you so peremptorily require. The reply to some former statements of your's, which, by my letter of May 9th, will appear to have been prepared, and afterwards suspended, for the reasons there assigned, I am now constrained to lay before you, together with the Minutes of our former conversation, to which it alludes. Should any thing occur in it unpleasant to your Lordship's feelings, I trust you will have the candour to allow, that it has not arisen from matter of inclination on my part, but been extorted from me by the exigency of the case,

I have the honour to be,

My Lord,

Your Lordship's obedient Servant,

H. B. DUDLEY.

*To the Right Rev. BEILBY,  
Lord Bishop of London.*

No. XXIII.

*[Inclosed in the former.]*

*Bradwell Lodge, May 29, 1798.*

MY LORD,

YOUR Lordship's liberal admission, that the tender of my Presentation shall stand unquestioned as a legal demand of Institution, precludes the necessity of any further observations on that head. But there remain other points of equal importance, to which the statement I had drawn up materially applies. In laying it before your Lordship, I have but little expectation, after the decisive terms of your last letter, that this will operate more in my favour, than to prevent that impression on the public mind, which uncontroverted declarations could not fail to make, under the sanction of your Lordship's authority. This mode of justification will not make me unmindful of your candid intimation, viz. "that such statements may, with more propriety, make a part of what my

" Counsel may fairly offer to the consideration  
" of the Court."—

I have the misfortune to differ from your  
Lordship in opinion, upon three matters of fact,  
viz.

Whether your possible objection to my In-  
stitution, was, or was not, on the single  
ground, specifically declared ; viz. *my oc-  
cupation of the Glebe, and Tythes?*

Whether, some years past, you did, or did  
not, withdraw your Licence to Bradwell  
Curacy from Mr. Shaw, then my Assistant,  
and that at my particular request ? And,

Whether you were ignorant, or not, of my  
situation at Bradwell, and my occupation  
of the Glebe and Tythes ?

The *first* of these your Lordship's own decla-  
ration to me will, I think, sufficiently explain—  
" I will candidly inform you, that, if I should  
" object to your Institution, it will be on the  
" ground of your occupation of the Glebe and  
" Tythes, which, I think, may amount to a  
" virtual resignation in your favour."



The *second* is a fact which I conceive that your Lordship will find authenticated in your own official documents; if not, the testimony of Mr. Shaw \* may be referred to, together with

---

\* *Bradwell Lodge, 14th July, 1798.*

DEAR SIR,

The BISHOP OF LONDON having stated to me, by letter, that he has no recollection of having withdrawn, at my request, the Licence he had granted to you for Bradwell, during your residence here as my Assistant in that Cure, you will much oblige me, by informing me at what period such Licence was withdrawn by his Lordship, and the reason at that time assigned for it.

I am, dear Sir,

Your very humble Servant,

H. B. DUDLEY.

Rev. Mr. SHAW,  
*Rector of Woodham Walter.*

---

*Woodham Walter, 15th July, 1798.*

DEAR SIR,

In answer to your favour of the 14th inst. I have to inform you, that on looking over my papers, I have been fortunate enough to find the Licence to St. Lawrence only,

that of your Secretary, and nephew, Mr. Porteus, who waited upon me in Leicester-square, about seven years ago, to inform me, " that the " Bishop of London had withdrawn Mr. Shaw's " Licence to Bradwell, at my request." This circumstance was made the more remarkable, by Mr. Porteus adding, " that your Lordship," for reasons best known to yourself, " declined grant-

---

only, dated the 27th of May, 1790; but by my paper of Priest's Orders, exhibited at the Bishop's Visitation, the 19th of the said month was the day on which I was licenced both to Bradwell, and St. Lawrence. I remember telling the Secretary, at the time of the Visitation, when he called upon me to take out my Licence, that it was *your desire* to be licensed to Bradwell, and that he would not listen at that time to any thing of the kind. — Between those dates, I received instructions from the Bishop's Secretary, to send up my Bradwell and St. Lawrence Licence, and that he would remit me a Licence for St. Lawrence only, corresponding to the date above mentioned.—I cannot bring to my recollection the reasons assigned for the exchange, having destroyed, or mislaid the letter; but if the present information will be of any service, it will give great pleasure to, dear Sir,

Your most obedient humble Servant,

ED. SHAW.

*Rev. Mr. DUDLEY, Bradwell Lodge.*

“ing a Licence to me, in compliance with the  
“other part of my request.”

The *third*, respects your knowledge, or ignorance of my situation, and tenure at Bradwell, &c.—In the multiplicity of your important concerns, your Lordship may probably have forgotten various conversations, which you have held with divers persons on this subject for many years past. Your Lordship’s intimation to me, that Bishop Lowth had informed you that he intended to resist my Institution ;—your own enquiries of me at the Malden Visitation, about four years ago, about the number of my cattle at Bradwell, with some compliments on my utility to the Country; added to the withdrawing Mr. Shaw’s Licence in my favour—left no doubt with me, that my situation and tenure at Bradwell, were as well known to your Lordship, as to the rest of the world.

It being probable that some reference may be deemed necessary to what passed between your Lordship and me, at our two late interviews, I shall here subjoin the conversations. They were of too much importance to make a slight impression on my mind, and, to avoid any error



on the occasion, I minuted them down each time, as I returned in my chaise from Fulham. This detail is open to any explanation, which your Lordship may be inclined to make, or require.

*[Here followed a Statement of the MINUTES, which appear in the first, and nine following pages.]*

As you were pleased to favour me with some observations made by Dr. Lowth to you on this subject, you will allow me to subjoin his further sentiments, which may remain unknown to you. That Prelate, probably from the indiscreet-conduct of the then Incumbent in publicly advertising the Advowson of *Bradwell*, conceiving that it's alienation had been made under express terms of immediate cession, declared to a very respectable friend, who still survives him, that he hoped no resignation of the Living would be pressed, because he should feel himself compelled to resist it; adding his wish, that the matter might rest during the life of the Incumbent, and then he should be satisfied."—In a negotiation respecting this same Living of *Bradwell*, but a short time before my knowledge of it, there were exchanges, my Lord, and resignations in plenty; I mean when Mr. Herring, on certain conditions, resigned the King's Living of *Toppesfield* in favour of Mr. Pawson, and Mr.

Pawson that of Bradwell in favour of Mr. Herring; a double accommodation, which could not have been effected without the concurring aid of the Bishop, and the Crown: but it might be indecorous in me to oppose my case to this, because I have not the plea which Mr. Herring had, of being the son of an Archbishop.

I was certainly flattered by your Lordship's profession, that nothing personal against me has been intended by this suspension; yet I should rest better satisfied under such an assurance, had I not learnt, that, while I have been embarrassed by your Lordship's proscription, on a doubtful, and speculative point, so acknowledged by yourself,—a Clergyman, residing not far from me, has received Institution at your hands, against whom were preferred charges of a very serious nature, and those pressed to be supported before you by the testimony of a numerous, and respectable Parish. It is added, that the accused is a person in whose interest you have shewn a more than ordinary solicitude. I hope this report, which is spreading under respectable authority, may prove unjustly founded; for I am not desirous of any advantage, from demonstrating a partial administration of the Episcopal duties.

I have now only to add, that my Solicitor will take an early opportunity of waiting upon you, to arrange that mode of process, which may subject you to as little inconvenience as possible, under the legal investigation which your Lordship so decidedly demands,

I have the honour to be,

My Lord,

Your most obedient Servant,

H. B. DUDLEY.

*Right Rev. Lord Bishop of London,  
Fulham.*



No. XXIV.

*Fulham, Aug. 8, 1798.*

REV. SIR,

**T**HIS being my Visitation Week, and having a variety of other business upon my hands, I have but a moment to inform you (which I could not with any convenience do sooner), that the Churchwardens do not consent to my giving you a copy of their letter.

With respect to the business of the Sequestration, you have, I can assure you, entirely misconceived the nature of it, as far as it respects me. I never did, and never will, interfere in a matter completely out of my province; and I never heard of a *single* instance of any Diocesan that ever did.

It is true (and that circumstance seems to have misled you), that the Sequestration issues in the *name* of the Ordinary; but this is *mere form*; he knows nothing of it at the time. It is issued as a matter of course, by the Officers of his Court, without his knowledge, and without any orders or directions from him. All the proceedings of the Ecclesiastical Court are carried on in his *name*; and you might as reasonably expect that I should direct my Chancellor, who presides in my Court, and in my *name*, how to decide the causes that come before him, as that I should give specific directions to the Sequestrators how to proceed in the execution of their office.

Till the Churchwardens wrote to me, I did not so much as know, with certainty, that the Sequestration was issued. \* I could not prevent their writing to me (though I was sorry they did), nor refuse their request, that I would permit my Secretary to make some enquiry for them, as it might save them the expence and trouble of a journey to town; but I gave them no advice *myself*. On the contrary, I told them plainly, that I knew nothing of the matter; that it was a business which did not belong to me;

\* *Vide page 39*

that they must apply to lawyers, whose province it was to direct them; and I particularly recommended to them the very person whom you mentioned to me in very strong terms of approbation, Mr. Parker, of Chelmsford, whose advice and direction I assured them they might safely follow. Was it possible to act with more fairness, and impartiality, both to you, and to them?

I must also rectify your mistake in supposing that I *admitted*, or favoured, or encouraged, any charge against you from the Churchwardens. I merely read what they chose to write to me, and I frankly told you the substance of it, that you might contradict it, if you could. This you did, and supported your declaration by the paper you sent me. This put an end to the business, and I have dismissed it from my mind.

Upon the whole, having, in *general* terms, enjoined the Churchwardens to conduct themselves fairly and impartially, without favour or prejudice to any one, and having also referred them for advice to a friend of your own, I have done a great deal more than my duty required of me, and must beg to be excused from



from reading or writing a syllable more on a subject, in which I must again repeat, that I have not the smallest interest, or concern. I am not apt to decline any trouble that properly belongs to me, but I cannot consent to take upon myself unnecessary burthens.

I am, Sir,

Your obedient Servant,

B. LONDON.

Rev. H. B. DUDLEY,

*Bradwell Lodge, Essex;*

K

No. XXV.

*Faversham, Aug. 18, 1798.*

MY LORD,

YOUR letter of the 8th inst. reached me, a few days since, at this place.

I still retain the opinion, that your Instruments of SEQUESTRATION, are not matters only of form or course, in any, much less in cases like that in which I have the misfortune to be at issue with your Lordship. To ensure a strict, and faithful discharge of the Sequestration of *Bradwell* Rectory, under it's extraordinary circumstances so fully made known to you, I feel warranted in repeating, is an important part of your Pastoral Duty. It is true, that many Ecclesiastical, as well as Lay Functions, are unavoidably delegated to subordinate ministration; but seldom, I believe, so as to leave the principal without cognizance, or responsibility. Be this as it may, your Lordship can, I think, plead no such

exemption here. Your own statements declare the exercise of an interposing authority, at the same moment that you disclaim it altogether as not appertaining to your official character. After the information I received from you at *Fulham*, that you had received the complaint preferred by your Sequestrators against me, it would be unnecessary to enter with your Lordship into a nice discussion about their not "*Lodgeing*" such complaint, on which you lay a peculiar stress. The charge was of so serious a nature as to require my transmitting to you an attested document in my defence, your Lordship, as you stated to me, having, in consequence of it, directed your Secretary to take *a legal opinion in their favour*, and recommended them also to apply to a particular Solicitor respecting their further process. This succour, my Lord, from you, and the partizanship in their aid from your Nephew and Secretary, merely *to save persons* you had never seen or known "*the expence, and trouble of a journey to town,*" seem not to arise very naturally out of that professed passive indifference on the part of your Lordship, nor to afford the most likely means of "*preventing their writing to you,*" nor of convincing them of your "*sorrow that they did so!*" How much they felt themselves strengthened by your advice, was



apparent from those comments of triumph that these persons made to their neighbours on the various letters with which you had honoured them.—So stood the active, and, if on good grounds, your commendable interposition, as Ordinary, in your Sequestrators' support. No want of authority or inclination, appeared in this outstep to give them ample aid ; ~~although~~, when their allegations could no longer be sustained, and I, in my turn, required only your *recommendatory* influence, to save the revenues of the Church, for the benefit of the next Incumbent, ~~then~~ your Lordship turns short round, contenting yourself with declaring, that, as I had refuted their statements, “ you had dismissed the whole from your mind ;” adding, on the business of Sequestrations, “ I never did, “ and I never will interfere in a matter completely out of my province, and I never heard “ of a *single* instance of any Diocesan that ever “ did.”—If you have so imperfect a recollection, my Lord, of what you have actually, and so recently done, I think it is hazarding a little too much, in asserting what you “ *will not do*” under certain circumstances of Sequestration.—But I must contend plainly with you, that you are not enabled, by any discretionary power, to shrink from this solemn duty on any pretence

*but*

whatever. Suppose your Sequestrators, in disobedience of your official mandate, should refuse to act, would your Lordship rest satisfied with the issuing of such instrument as mere matter of course and form? or, in a case nearer that we are discussing, let us suppose the probability of corrupt contracts, or any other species of embezzlement—is there no preventive remedy with you, as Ordinary, or punishment in your own Court, for the offence? If there be not, such mandates, under all their solemnity, may be deemed little more than a delusive mockery of Ecclesiastical jurisprudence.

Respecting your having “admitted, or favoured, or encouraged” the calumny of the Sequestrators,—after so serious a disavowal of it by your Lordship, I know not how I can venture to offer a further remark: but for the impartiality and fairness, which you claim, in recommending the Churchwardens for legal advice to “*a friend of my own*,” I must state, that this recommendation of them to Mr. Parker, your own Register, as to a Lawyer, happened to be before you were apprised by me that I had even the pleasure of that Gentleman’s acquaintance.—As I take it, there can be, my Lord, but one plain line of administrative duty befitting an exalted sta-

tion ; no half kind of intermeddling policy, whether in aid of personal pique, or misguided power, will answer the purpose.—If you meant, as you professed—but which your duty will not allow,—to keep aloof from the business of seeing a fair collecting of Bradwell Tythes, why did you interfere at all?—or, interfering, why stop at a partial point, and declare, that you have not the smallest *interest, or concern* in the transaction (vide p. 73.)? This is a hasty assertion, my Lord, and may tend to sanction those opinions which represent the Rulers of the Established Church as principally occupied in the preservation of their own immediate interests.

Your Lordship observes, “ You may as reasonably expect that I should direct my Chancellor, who presides in my Court, and in my name, how to decide the causes that come before him, as that I should give specific directions to the Sequestrators how to proceed in the execution of their office.” I neither see the analogy, or the force of this reasoning. Your *Chancellor* is vested with a judicial seat in your Court, and his adjudications, to suppose them pure, must of course be free from bias; and consequently you are not responsible for his mal-



administration: but your powers of Sequestration, I conceive, cannot be delegated beyond the bounds of your own responsibility. Whoever the Sequestrators may be—and so far from being Churchwardens of necessity, they are chosen according to the nature of the case—they are appointed by the Ordinary, for the express purpose of *PRESERVING the Revenues of the vacant Church for the use, and benefit of the next Incumbent*. Your Instrument of Sequestration sometimes goes in aid of a Common Law Process, and that is issued *pro forma*, where the *Sheriff* claims it by *levari facias*, in virtue of his writ for debt; but in all other cases of Sequestration, whether for maintaining the reparation of Chancels, payment of Curates stipends, or securing the Revenues of the Church, the power is with you, the appeal is to you, and the responsibility inseparable from your Episcopal Office.\*—Writs of Execution, from a *Sheriff*, issue like those of

---

\* SEQUESTRATION.

“ BEILBY, by Divine Permission, BISHOP OF LON-  
 “ DON, to our well beloved in Christ, *A. B.* and *C. D.*  
 “ Churchwardens of the Parish of *E.* in the County of *F.*  
 “ greeting in Our Lord Everlasting.—Whereas the Parish  
 “ Church of *E.* aforesaid, within our Diocese and Jurisdic-  
 “ tion, is become vacant by the death of the last Incumbent,  
 “ and

Sequestration, from a *Bishop*, without his immediate privity, or knowledge ; yet the former holds himself accountable for all the conse-

---

“ and at present is destitute of an Incumbent : Lest the Fruits,  
 “ Tythes, Profits, Oblations, Obventions, and other Rights  
 “ and Emoluments Ecclesiastical, now due to the said Church,  
 “ or arising and becoming due during the vacancy thereof,  
 “ should be embezzled or wasted, or applied to improper  
 “ uses, We have decreed all and singular the said Fruits,  
 “ Tythes, Profits, Oblations, Obventions, and all other  
 “ Rights and Ecclesiastical Emoluments whatsoever, belonging  
 “ to the said Church, to be sequestered for the use of the  
 “ next Incumbent, or of such other person as shall have  
 “ Right thereto, and we do sequester the same by these  
 “ presents. To publish, therefore, or cause to be published,  
 “ this our Sign in the Church aforesaid, and other public  
 “ and proper places where you shall see most expedient, as  
 “ also to ask for, demand, collect, levy, sequester, and re-  
 “ ceive into your hands, and keep, or cause to be kept,  
 “ under safe Sequestration, all and singular the Fruits, Tythes,  
 “ Profits, Oblations, Obventions, and other Rights and Ec-  
 “ clesiastical Emoluments aforesaid, in whose hands soever  
 “ being or remaining, or which hereafter shall be or remain,  
 “ and with the same so collected, sequestered, or received,  
 “ to cause the Cure of the Souls of the Parishioners there  
 “ to be served, and all other Charges belonging to the said  
 “ Church to be sustained, and discharged, We commit unto  
 “ you, in whose fidelity we very much confide, our authority,  
 “ and do grant you full power and authority by these pre-  
 “ sents, provided you RENDER TO US, or our Vicar General,

“ or

quences of his official instruments, and therefore takes bond of his Delegates for the discharge of their subordinate duty. I am confirmed, I think, in this opinion, my Lord, by the best authorities :

*“ When a Living becomes void by the death of an Incumbent, or otherwise, the Ordinary is to send out his Sequestration to have the Cure supplied, and to PRE-SERVE the profits (after the expences deducted) for the use of the successor.*

*“ Sometimes the fruits and profits of a Living, which is in controversy, either by the consent of parties, or the Judge’s authority, are sequestered, and placed for safety in a third hand : and thus, where two different titles are set on foot, the rights are carefully preserved, and given to him for whom the cause is adjudged.”*

GOD. Appendix 14.

---

*“ or his Surrogate, when you shall be duly required, a true and faithful account of the residue, for the use of the next Incumbent, or such other person as shall have right thereto : and We hereby ordain, depute, constitute, and appoint you Special Sequestrators, and Collectors of the said Parish Church. In testimony whereof, We have caused the Seal of our Vicar General, which we use in this behalf, to be affixed to these presents. Dated at London, on the day of                      in the year of our Lord One Thousand Seven Hundred and                      and in the year of our Translation.*

*“ Entered*

L



And the best *Civilians* concur in opinion, that--

“ It is best, and most legal, for the Sequestrators to receive  
“ the *Tythes and Dues in kind.*”

You have been informed, my Lord, by me, that the *Tythes* of your Sequestrators themselves, at *Bradwell*, have hitherto been taken in kind; and you were guarded also against the probable sacrifice of the next Incumbent's rights to their own particular interest. It was my intention to have apprised your Lordship of these circumstances of risk, at your Visitation, ordered to be holden at *Malden*, in May last, had not this, which is termed a *triennial* Visitation, been postponed from a *fourth*, to a *fifth* year, on grounds,\*

---

\* “ The BISHOP OF LONDON having received intima-  
“ tions from several respectable Clergymen in his Diocese,  
“ that the Visitation and Confirmation, which he purposed  
“ holding shortly in the Counties of Hertford and Essex,  
“ would probably, at this moment, be attended with consi-  
“ derable inconvenience to the Clergy, and others, whom  
“ it would draw from their respective Parishes, and might  
“ also interfere with the military arrangements, and prepara-  
“ tions, now making in those Counties, especially the latter;  
“ in consequence of these representations, which appear to  
“ the

and by a notification, which made me for some time even discredit the rumour of the suspension. Your inferior Clergy had conformed to your instructions, by preparing the youth for confirmation, not aware " *that the interests of the " Church*" might as effectually be supported, whether an Episcopal Visitation was held once in *three years*, or in *thirty* !

On the avoidance of, and reinstitution to a Living, there has lately happened rather a singular instance within this part of your Lordship's Diocese ; I mean in a respectable Clergyman having been permitted to resign into your hands a Living of 200l. to enable him to receive a donative of only 50l. per annum, which was procured him through your immediate interest ; and a few days afterwards, you reinstituted him to his former Living. I mention this only to demonstrate, that resignations, if to answer particular

---

" the Bishop to carry much weight with them, he has de-  
 " termined, and hereby notifies his intention to postpone his  
 " said intended Visitation, and Confirmation, in Hertford-  
 " shire and Essex, to a more convenient season ; of which  
 " due notice will be given."

*Paragraph in the CHELMSFORD CHRONICLE,*

*May 14th, 1798.*

purposes, are not invariably discountenanced by your Lordship.

I shall close these long, but indispensable observations, by remarking, that all I had conceived of Ecclesiastical jurisprudence, seems reversed, my Lord, in our case. While the extensive Rectory of *Bradwell* lay waste, it's Church ruinous, and deserted, it's lands inundated, and it's congregation lawless and neglected, it claimed no further notice from its Diocesan, than as it might yield exchanges, and resignations, suitable to the convenience of more favoured Incumbents: but no sooner were it's Revenues improved, and it's conversion completed, after seventeen years exertions, than the propriety of the reformation was questioned, and the Promoter of it became a marked object of Episcopal reprehension.

I have the honour to remain,

My Lord,

Your most obedient Servant,

8 AU 68 H. B. DUDLEY:

To the Right Rev. BEILBY,

Lord Bishop of London.

---

FINIS.



